

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

VOLVO FINANCIAL SERVICES, a division of  
VFS US LLC,

Plaintiff,

vs.

CENTUR INC. EXP., CEZAR ROBERTS, and  
CORNERSTONE STORAGE, LLC,

Defendants.

**8:23CV67**

**ORDER TO SUPPLEMENT THE  
RECORD**

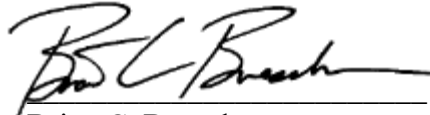
This case is before the Court on plaintiff Volvo Financial Services' August 15, 2023, Motion for Default Judgment against Centur Inc., Exp., and Cezar Roberts. [Filing 47](#). The Court has reviewed the submissions by Volvo Financial Services in support of its Motion as well as the Complaint in this case and finds that while the items of damages in Plaintiff's Brief in Support of Motion for Default Judgment, [Filing 48](#), appear to be consistent with the amounts for those items in the Affidavit of Tara Disher Maxey, [Filing 49](#), Exhibit A, the total amount due that Plaintiff has claimed, \$71,229.34, is incorrect. [Filing 48 at 5](#) ¶ 13. This error leads the Court to believe that the calculated per diem rate of \$28.14 is likewise incorrect. [Filing 48 at 5](#) ¶ 13. Federal Rule of Civil Procedure 55(b)(2) provides in pertinent part that "[t]he court may conduct hearings or make referrals—preserving any federal statutory right to a jury trial—when, to enter or effectuate judgment, it needs to...determine the amount of damages [or] establish the trust of any allegation by evidence. . . ." Fed. R. Civ. P. 55(b)(2). Because the Court "may" conduct such a hearing, the Court believes that it may also obtain necessary evidence by filing of appropriate affidavits and exhibits. Accordingly,

IT IS ORDERED that plaintiff Volvo Financial Services shall have seven (7) days from the date of this Order within which to file evidence and a supporting affidavit demonstrating its calculations for damages and pre-judgment interest as of October 27, 2023, and for the per diem rate for post-judgment interest.

IT IS FURTHER ORDERED that if plaintiff Volvo Financial Services fails to make the required submission within the time provided, the Motion for Default Judgment will be denied without further notice.

Dated this 20th day of October, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", written over a horizontal line.

Brian C. Buescher  
United States District Judge